

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

**XAVIER JOHNSON,**

\*

**Plaintiff,**

\*

**vs.**

**CASE NO.: 2:05cv704-M**

**BIG 10 TIRES,**

\*

**Defendant.**

\*

**INITIAL DISCLOSURES OF DEFENDANT BIG 10 TIRES**

Defendant Big 10 Tires hereby makes the following initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1).

(A) Individuals likely to have discoverable information that Defendant may use to support its claims and defenses. The individuals marked "(supervisor)" are current or former supervisors of Defendant, subject to the attorney client privilege, and should be contacted only through counsel for the Defendant.

1. Don Kennemer (supervisor)  
Big 10 Tire Stores, Inc.  
3938 Government Blvd., Suite 102  
Mobile, Alabama 36669-4315  
(251) 666-9938

Company policies; complaint by Xavier Johnson; Company investigation of complaint by Xavier Johnson; conversation with Billy Lynam; termination of Billy Lynam.

2. Mike Burgess (supervisor)  
Big 10 Tire Stores, Inc.  
3938 Government Blvd., Suite 102  
Mobile, Alabama 36669-4315  
(251) 666-9938

Company policies; complaint by Xavier Johnson; Company investigation of complaint by Xavier Johnson; conversation with Billy Lynam; termination of Billy Lynam.

3. Terry Troutman (supervisor)  
5706 Atlanta Highway  
Montgomery, AL 36117  
(334) 277-7072

Market Manager for Montgomery. Treatment of Xavier Johnson including job transfers, raises, discipline, hours of work, and hours of work offered; complaints by Xavier Johnson; Company investigation of complaint by Xavier Johnson.

4. Chuck Fuqua (supervisor)  
549 New Warrington Road  
Pensacola, FL 32506  
(850) 455-4520

Former Market Manager for Montgomery area. Any complaints by Xavier Johnson; treatment of Xavier Johnson.

5. Bobby Ford (supervisor)  
114 Sheila Blvd Apt. 104C  
Prattville, AL 36067  
(334) 546-8339

Former store manager; treatment of Xavier Johnson including hours of work, and hours of work and any complaints by Xavier Johnson.

6. Wayne Hoots (supervisor)  
2769 Zelda Road  
Montgomery, AL 36106  
(334) 271-2278

Store manager; treatment of Xavier Johnson including hours of work, and hours of work and any complaints by Xavier Johnson.

7. Don Day  
5706 Atlanta Highway  
Montgomery, AL 36117  
(334) 277-7072

Any complaints by Xavier Johnson; complaint by Michael Cole against Billy Lynam.

8. Michael Cole  
715 Madison Avenue  
Montgomery, AL 36104  
(334) 262-1994

Intimidation by Billy Lynam; interviewed in Company investigation.

9. Amayas Bonner  
5706 Atlanta Highway  
Montgomery, AL 36117  
(334) 277-7072

Interviewed in Company investigation

10. Anitra Lee  
5408 Connie Circle  
Montgomery, AL 36103  
(334) 260-0206

Interviewed in Company investigation.

11. John Starling  
11101 Highway 80W  
Shorter, AL, 36075  
(334) 727-5521

Interviewed in Company investigation.

(B) Documents that Defendant may use to support its claims and defenses.

1. Personnel file of Xavier Johnson
2. EEOC Charge of Xavier Johnson with attached "additional particulars."
3. EEOC Affidavit of Don Day

4. Time worked printout of Xavier Johnson
5. Weekly work schedules of Xavier Johnson
6. Weekly time sheets of Xavier Johnson (to be produced)
7. Company EEO Policy
8. Employment documents (2 pages) for John Starling.
9. Employment documents (2 pages) for Scott Grady.
10. Handwritten statement by Terry Troutman to Mike Burgess
11. Memorandum by Mike Burgess re investigation of Xavier Johnson EEOC Charge allegations
12. Written resignation by Billy Lynam

(C) Computation of damages claimed by Defendant.

Not applicable.

(D) Applicable insurance agreements.

See enclosed insurance agreement.

/s/ William C. Tidwell  
WILLIAM C. TIDWELL, III  
Attorney for Defendant  
Big 10 Tires, Inc.

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of November, 2005, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to the following:

**COUNSEL OF RECORD:**

Maricia D. Woodham, Esq.  
Sabel & Sabel, P.C.  
Hillwood Office Center  
2800 Zelda Road, Suite 100-5  
Montgomery, AL 36106

/s/ William C. Tidwell